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APR 30 2008

OFFICE OF PETITIONS

In re Application of :
Craig H. DEES et al. :
Application No. 09/382,622 : **DECISION ON PETITION**
Filed: August 25, 1999 :
Attorney Docket No. **PHO-107-DIV** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 05, 2008, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to file corrected drawings on or before January 17, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 17, 2007. Accordingly, the date of abandonment of this application is January 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1440; (2) the petition fee of \$1540; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Publishing Division for processing into a patent.



David Buddi
Petitions Examiner
Office of Petitions